

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THOMAS EL-SHABAZZ,
Plaintiff,

v.

VICTAULIC COMPANY,
Defendant.

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CIVIL ACTION NO. 4:17-cv-826

A JURY IS DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiff, Thomas El-Shabazz (“El-Shabazz”), and files this his Original Complaint complaining of Defendant Victaulic Company (“Victaulic”) and in support thereof would show the Court as follows:

I.
PARTIES

1. The plaintiff Thomas El-Shabazz is an individual African American, male who resides in Houston, Harris County, Texas.
2. The defendant Victaulic Company is a Corporation based in Easton, Pennsylvania. It may be served by serving its registered agent, US Corp Co., 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

II.

JURISDICTION

3. This case is brought under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. This Court has jurisdiction of this case according to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

4. Venue is invoked pursuant to 28 U.S.C. § 1391.

III.

FACTS

5. El-Shabazz served as a warehouse employee for Victaulic. He worked for Defendant from approximately September 2013 to August 2016. During these three years of service to Victaulic, El-Shabazz was not reprimanded or written up for poor job performance until after engaging in a protected activity.

6. El-Shabazz performed his duties at Victaulic without incident until a new coordinator April Baugh-Chears (African American, female) was hired by Victaulic.

7. Upon the hiring of Ms. Baugh-Chears, El-Shabazz was subjected to frequent racial slurs, such as, being called a “slow county bumpkin ass nigga” by Ms. Baugh-Chears.

8. El-Shabazz protested these actions by Ms. Baugh-Chears, by filing a complaint regarding the racial harassment to Matt Martin, a supervisor at Victaulic.

9. After El-Shabazz filed the aforementioned complaint, the workplace harassment continued and he was ultimately placed on an unwarranted performance improvement plan.

10. El-Shabazz was an exemplary employee and was placed on the performance improvement plan in retaliation for his complaints of harassment at the hands of Ms. Baugh-Chears.

11. El-Shabazz was ultimately terminated by Victaulic under the pretext of poor performance due to his race, color and in retaliation for his complaints of harassment.

IV. CAUSES OF ACTION

12. The Defendant's conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of race. It also violates Title VII's prohibition on retaliation against a person who complains of mistreatment.

13. The plaintiff timely filed a charge of discrimination on June 17, 2016, to challenge the race discrimination he suffered. He has received a right to sue letter on this charge and timely files this lawsuit to vindicate his rights.

V. PRAYER

14. The plaintiff asks this court to enter a judgment:

1. Declaring that the acts and practices described in this Complaint are in violation of Title VII;
2. Enjoining and permanently restraining these violations of Title VII;
3. Directing the defendant to pay plaintiff actual and compensatory damages that he suffered, past and future;
4. Awarding plaintiff pre-judgment interest on the amounts owed at the maximum rate allowed by law;
5. Awarding plaintiff the costs of this action, together with reasonable attorneys' fees and expert witness fees;
6. Awarding plaintiff post-judgment interest on the amount of judgment until paid at the maximum rate allowed by law; and
7. Awarding plaintiff such other relief, legal or equitable, as may be warranted.

Respectfully Submitted,

/s/ Ike Okorafor

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